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### **REMARKS**

#### **I. Claim amendments. Rejections of canceled claims.**

In order to expedite prosecution, claims 1, 2, 6, 7, 10, and 14-16 have been canceled. Claims 3 and 4 have been amended to recite that the elevator brake wedge comprises a single shoulder extending normally away from the rail-facing surface. Support for the amendment is provided by the substitute specification at paragraph [0010], pages 3-4, and by Figures 3 and 4. The dependencies of claims 8, 9, 12, and 17 have been amended in view of the claim cancellations. Claims 8, 9, 12, 13, and 17-20 have been amended to provide proper antecedent basis for the terms and expressions in these claims.

Upon entry of this Amendment, claims 3-5, 8-9, 12-13, and 17-20 are pending. No new matter has been added by any of the amendments herein.

Applicant submits that the claim amendments and cancellations were not done in acquiescence of any objection or rejection relating to patentability. Rather, the claims were amended or cancelled to advance prosecution of the application. Applicant reserves the right to file one or more continuation applications to defend the patentability of patentable subject matter that may have been canceled or removed by the claim amendments.

Claim 7 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claim 7 has been canceled and therefore the rejection of claim 7 under §112 is moot and should be withdrawn.

Claims 1, 2, 6, 7, 10, and 14-16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over US 5,979,615 to Thompson et al. ("Thompson") or Thompson in view of US 5,693,402 to Chwastiak et al. ("Chwastiak"). Claims 1, 2, 6, 7, 10, and 14-16 have been canceled and therefore the rejections of these claims under §103(a) are moot and should be withdrawn.

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## **II. Rejection of claims under 35 U.S.C. §103(a)- Thompson**

Claims 12-13 and 17-20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Thompson. The Examiner alleges that Thompson discloses each feature of the invention of these claims except for the specific friction material, and alleges that it would have been obvious to select a carbon metallic material as part of routine material selection to provide an elevator brake.

Claims 12-13 and 17-20 are dependent upon claim 4. Applicant submits that Thompson does not suggest the invention of amended claim 4 or any of its dependent claims, including claims 12-13 and 17-20.

Thompson discloses a braking system for slowing or stopping an elevator car. The braking system purports to have a carbon-carbon composite friction surface (col. 1, lines 6-11). In Figure 2, Thompson illustrates that the friction material 36 is attached to the brake shoe base 30 by forming the composite material so as to have a diverging trapezoidal base section 38. The diverging trapezoidal base section is fitted into a matching shaped slot provided in the brake shoe base 26 (col. 4, lines 9-17). By forming a trapezoidal cutout in the brake shoe base, two side projections are formed on the top and bottom ends of the rail facing surface 30.

In contrast to Thompson, the elevator brake wedge of the claimed elevator braking system has a single shoulder located near a top surface of the brake wedge. The shoulder extends normally away from the rail-facing surface, and absorbs shear loads from an elevator brake pad mounted in the brake pad assembly. In applications where the brake pad or brake pad assembly abuts the shoulder from below, the shoulder carries a portion of any shear forces that are generated on the brake pad or brake pad assembly during a slide.

This feature of the claimed elevator safety brake pad assembly, wherein the brake wedge comprises a single shoulder which is located near a top surface of the brake wedge, is neither disclosed nor suggested by Thompson. Therefore, the invention of claim 4 is not an obvious variation of Thompson.

Applicant further relies on the remarks of record submitted under cover of Applicant's Amendment mailed May 5, 2003 to further distinguish the claimed invention over Thompson.

Accordingly, the claimed invention is not an obvious variation of Thompson. Withdrawal of the rejection of claims 12-13 and 17-20 is respectfully requested.

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### **III. Rejection of claims under 35 U.S.C. §103(a)- Thompson in view of Chwastiak**

Claims 3-5, 8, and 9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Thompson in view of Chwastiak. The Examiner alleges that Thompson discloses all the limitation of the instant claims except for the feature of laser burnishing the brake pad. The Examiner relies upon Chwastek for an alleged disclosure of a method of laser burnishing a brake pad, and concludes that it would have been obvious to combine Thompson and Chwastek to obtain a more stable friction coefficient.

Applicants submit that their comments in Section II, above, regarding the rejection in view of Thompson are applicable and, therefore, responsive to the rejection in further view of Chwastiak.

In brief, Thompson does not disclose or suggest an elevator safety braking system having an elevator brake wedge comprising a single shoulder extending from the rail-facing surface.

Chwastiak does not overcome the deficiencies of Thompson to suggest the claimed invention. Chwastiak discloses a brake pad which has been pre-burnished using a high intensity heat source (Abstract). There is no suggestion of an elevator brake assembly in which the brake wedge comprises a single shoulder extending from the rail-facing surface.

Therefore, Thompson and Chwastiak, whether alone or in combination, do not suggest the claimed invention. Withdrawal of the rejection of claims 3-5, 8, and 9 is respectfully requested.

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**CONCLUSION**

Applicant submits that the claimed invention has been distinguished over the cited prior art. Upon entry of this Amendment, claims 3-5, 8, 9, 12, 13, and 17-20 are pending. Applicant submits that claims 3-5, 8, 9, 12, 13, and 17-20 are in condition for allowance, which action is earnestly solicited.

Authorization is hereby given to charge any fee which may be due in connection with this communication to Deposit Account No. 23-1703.

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Respectfully submitted,

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